

RECEIVED FOR RECORD
MAR -5 A 11:27
COUNTY
CLERK OF SUPERIOR COURT
CLERK OF DISTRICT COURT

[illegible]

CIVIL ACTION NO.:

CW120396 AB

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

JURY TRIAL REQUESTED

COMES NOW Plaintiff Lisa T. Jackson, by and through the undersigned counsel, and hereby files this, her Complaint against the above-named Defendants, showing the Court as follows:

1.

This is an action for damages and injunctive relief arising out of personal injuries caused and perpetuated by Defendants in violation of Ms. Jackson's rights under Georgia law.

2.

Defendants have violated Ms. Jackson's rights under Georgia law to be free of sexual harassment in the workplace, to be free from assault, to be free from battery and to be free from the intentional and negligent infliction of emotional distress, and other rights as set forth in more

detail below.

3.

In violating Ms. Jackson's rights, the Defendants have engaged in the most heinous, abusive and disreputable conduct, and, under the false pretenses of gender equity, racial equity and community generosity, have caused substantial financial and emotional harm to Ms. Jackson and others associated with their enterprises, and have further caused embarrassment and shame to this community, with the sole and selfish objective of enriching themselves.

JURISDICTION AND VENUE

4.

Jurisdiction is conferred upon this Court because the matters in controversy arise exclusively under the Constitution and laws of the State of Georgia.

5.

Venue is proper in this Court because it is a county and judicial district in which all Defendants reside and in which Defendants do business, and it is the county and judicial district in which a substantial part of the events or omissions giving rise to Ms. Jackson's claims occurred.

PARTIES

6.

Plaintiff Lisa T. Jackson is a female citizen of the United States. Except for the purpose of necessarily relocating to find work, as set forth in more detail below, at all times relevant to the matters set forth in this Complaint, Ms. Jackson was a resident of Savannah, Chatham County, Georgia.

7.

Defendant Paula Deen is a Georgia resident residing in Chatham County, Georgia and can be served with process by serving her personally, as follows: Paula Deen, 818 Wilmington Island Road, Savannah, Georgia 31410.

8.

Defendant Paula Deen Enterprises, LLC is a Georgia corporation residing in Chatham County, Georgia and can be served with process by serving its registered agent for service of process, as follows: Corporation Service Company, 74 West Montgomery Crossroads, Suite B1, Savannah, Georgia 31406.

9.

Defendant The Lady & Sons, LLC is a resident of Chatham County, Georgia and can be served with process by serving its registered agent for service of process, as follows: Paula Hiers Deen, 102 West Congress Street, Savannah, Georgia 31401. Upon information and belief, fifty-one percent (51%) of this corporation is owned by Paula Deen and the remaining interest is owned in equal shares by her sons, Jamie Deen and Bobby Deen.

10.

Defendant The Lady Enterprises, Inc. is a Georgia corporation residing in Chatham County, Georgia and can be served with process by serving its registered agent for service of process, as follows: Paula Deen, 102 West Congress Street, Savannah, Georgia 31401. Upon information and belief, fifty-one percent (51%) of this corporation is owned by Paula Deen and the remaining interest is owned in equal shares by her sons, Jamie Deen and Bobby Deen.

11.

Defendant Earl W. "Bubba" Hiers is a Georgia resident residing in Chatham County,

Georgia and can be served with process by serving him personally, as follows: Earl W. “Bubba” Hiers, 7004 Sandnettles Drive, Savannah, Georgia 31410.

12.

Defendant Uncle Bubba’s Seafood and Oyster House, Inc. is a Georgia corporation residing in Chatham County, Georgia and can be served with process by serving its registered agent for service of process, as follows: Uncle Bubba’s Seafood and Oyster House, Inc., c/o James P. Gerard, 218 West State Street, Savannah, Georgia 31401. Upon information and belief, fifty-one percent (51%) of this corporation is owned by Paula Deen and the remaining interest is owned by her brother, Earl W. “Bubba” Hiers.

13.

The referenced corporate parties form a single corporate enterprise, as demonstrated hereinbelow, and are known internally within the corporate enterprise as the “Paula Deen Family of Companies.”

STATEMENT OF FACTS

INTRODUCTION

14.

Ms. Jackson was subjected to violent behavior by Bubba Hiers, violent behavior that included sexual harassment of Ms. Jackson and other female employees and assault and battery of Ms. Jackson. Mr. Hiers’ violent behavior also included racial harassment, assault, battery and other humiliating conduct practiced upon the employees managed by Ms. Jackson. The conduct described herein is no mere offensive utterance; the conduct was threatening, even physically threatening, and universally humiliating. The staff of Uncle Bubba’s Seafood and Oyster House, Inc. (“Uncle Bubba’s restaurant”) lived in fear of Bubba Hiers.

15.

Ms. Jackson began employment with the Paula Deen Family of Companies on or about February 2005 and continued employment until she could no longer bear the sexual harassment, racial harassment, and abusive treatment as described herein, leaving employment of the Paula Deen Family of Companies on August 19, 2010.

16.

Ms. Jackson was first hired by Uncle Bubba's restaurant as a hostess. After six months, she was promoted to General Manager. She remained in the position of General Manager from approximately August 2005 until August 19, 2010.

17.

Ms. Jackson replaced a General Manager that was allegedly sleeping with servers, a matter disregarded by Bubba Hiers. In a meeting with that General Manager and Ms. Jackson, Paula Deen terminated that General Manager and stated to Bubba Hiers, "if you think I have worked this hard to lose everything because of a piece of pussy, you better think again." Paula Deen continued, "and now I am going to do something I have never done. I am going to put a woman in a man's job." Paula Deen gave Ms. Jackson six months to turn the restaurant from a failure to a success.

18.

Upon her promotion to General Manager, Bubba Hiers stated to Ms. Jackson, "you're everything I've never wanted but everything I need – a woman to clean my business up." Mr. Hiers suggested that Ms. Jackson "take it [this comment] as a compliment."

19.

Ms. Jackson's ability to perform was doubted with repeated comments and laughter from

Mr. Schumacher and other male managers commenting, for example, that “she’ll be down in a month.” In six months, Paula Deen’s directive was accomplished and Uncle Bubba’s was earning a profit.

20.

For these money-saving management efforts, Karl Schumacher referred to Ms. Jackson as “almost Jewish,” and Bubba Hiers referred to her as “my little Jew girl.”

21.

At all times during her employment, Ms. Jackson performed her job well and faithfully, bringing Uncle Bubba’s restaurant from circumstances of near financial collapse to a profitable enterprise, despite the frequent taking of cash from the restaurant’s receipts by Bubba Hiers – sometimes as much as approximately \$26,000 per month.

22.

Ms. Jackson also worked for and was paid by Paula Deen Enterprises, LLC (Paula Deen Enterprises), performing private catering and assisting with the opening of a restaurant in a Harrah’s Casino located in Tunica, Mississippi. Towards the end of her employment with the Paula Deen Family of Companies, Ms. Jackson was tasked by Paula Deen with opening a restaurant in Harrah’s Casino in Cherokee, North Carolina.

23.

Ms. Jackson also performed work for Lady & Sons Restaurant, which also operates under the corporate name and entity The Lady Enterprises, Inc. When management needed anything substantial or complex to be accomplished by the Lady & Sons Restaurant General Manager Dustin Walls, they would have Ms. Jackson perform those tasks instead.

24.

In the context of discussing a position that would manage both restaurants, Ms. Jackson asked Paula Deen Enterprises Chief Operation Officer (COO) and Director of Operations Theresa Fueger and the Certified Public Accountant (CPA) for the Paula Deen Family of Companies, Karl Schumacher, if she (Ms. Jackson) was qualified for that position. They both responded “yes” but that it would never happen because the Lady & Sons Restaurant General Manager Dustin Walls and Paula Deen’s sons, Jamie Deen and Bobby Deen, would never allow a woman to tell them what they need to do.

25.

Internally to the Paula Deen Family of Companies, Lady & Sons Restaurant is known as the “Boys Club” where men almost exclusively occupy management positions and women are not invited to take on substantial decision-making roles. Uncle Bubba’s was a part of the “Boy’s Club” until Ms. Jackson was hired as its General Manager.

THE “PAULA DEEN FAMILY OF COMPANIES”

26.

The corporate Defendants comprise the “Paula Deen Family of Companies,” a single enterprise that, at all times relevant to this Complaint, includes:

- a. Day-to-day control of personnel management for all employees in the corporate enterprise vested in Karl Schumacher, an employee of one or more of the corporate entities and a CPA;
- b. Approval of decisions regarding employee pay for employees in the corporate enterprise made by Karl Schumacher;
- c. Management of the General Managers for both restaurants vested in one

individual, COO and Director of Operations Theresa Fueger, an employee of Paula Deen Enterprises, and direct supervision of the General Managers of both restaurants vested in one individual, Karl Schumacher;

- d. Substantial periodic financial support supplied to both restaurants by Paula Deen Enterprises;
- e. Financial and other books and records for all corporate Defendants maintained by Karl Schumacher at the offices of Paula Deen Enterprises and the restaurants' payroll managed by Karl Schumacher;
- f. A synchronized marketing program for the entire Paula Deen Family of Companies hatched by Paula Deen and created from the offices of Paula Deen Enterprises, including numerous strategies such as discounts for Uncle Bubba's restaurant given to customers of Lady & Sons Restaurant, and trolley tour contracts providing for lunch at Uncle Bubba's restaurant and VIP seating at the Lady & Sons Restaurant for dinner;
- g. Paula Deen Enterprises has also paid for: Uncle Bubba's restaurant expense to remedy violations of the Occupational Safety and Health Act; as well as for Uncle Bubba's restaurant expenses to remedy City Health Code violations in Uncle Bubba's restaurant kitchen; as well as for Uncle Bubba's restaurant expenses for restaurant fees, architectural drawings and other renovations and expenses;
- h. Ms. Jackson was appointed by Theresa Fueger and Karl Schumacher to work with corporate counsel, James P. Gerard, drafting a new comprehensive human resource management policy applicable to the entire Paula Deen Family of Companies, although it was never adopted;

- i. Joint meetings of the General Managers of the restaurants orchestrated by Karl Schumacher to occur, alternatively, on the premises of the respective restaurants;
- j. Bubba Hiers' appearances on numerous television shows hosted by Paula Deen for the purpose of integrating the marketing of the restaurants.

27.

The management staff of the corporate Defendants perceived a tightly integrated nature of the Paula Deen Family of Companies, evidenced in part by Lady & Sons Restaurant General Manager Dustin Walls communicating an apology across the corporate enterprise for threatening to fire all the "monkeys" in his kitchen, a reference to the African-American kitchen staff. Another General Manager communicated to a broader management audience his apparent apology for having exposed his fellow General Manager's racist comment and for having been too compassionate toward his employees.

28.

Paula Deen further stated in a managers' meeting that the Paula Deen Family of Companies was "one in the same business," stating further that "I owe just as much on this fucking restaurant, as I do on that fucking restaurant, so you need to work together."

29.

The corporate Defendants have a close interrelation of operations, as well as centralized control of personnel matters, common management and common ownership and financial control. The corporate Defendants are a single employer enterprise in terms of function and for purposes of sharing in liabilities of members of the corporate enterprise.

**THE VALUE OF THE FEMALE WORKFORCE AT THE
PAULA DEEN FAMILY OF COMPANIES**

30.

Bubba Hiers stated to Ms. Jackson on more than one occasion, "If there's one thing I've learned from my sister, if it ever comes down to firing a guy or a girl, you let the girl go because they are a dime a dozen and you can always find a girl to come work for you but it's hard to find good guys."

31.

On numerous occasions, Ms. Jackson complained directly to Karl Schumacher and Theresa Fueger that she was not paid a salary equal to her male counterparts.

32.

Upon requesting a raise in 2007, Karl Schumacher told Ms. Jackson that Bubba Hiers would not permit a woman to be paid any more than she was already paid. In the words of Mr. Schumacher, "Bubba Hiers would have a heart attack if he knew you were being paid *this* much."

33.

In a meeting scheduled as a result of Ms. Jackson's expression of concerns over compensation, Paula Deen attended and pointed specifically and exclusively to the women managers at the meeting, including Ms. Jackson and others from Lady & Sons Restaurant, stating "you all need to learn to work together and become one." The male managers in the meeting were never addressed. When Mr. Schumacher weighed in to defend Ms. Jackson, stating that the male managers do not help her, Paula Deen told him to "shut up, I'm not talking to you about this. I pay you to handle that part of it."

34.

In 2007, Bubba Hiers offered a male vendor food representative a salary of \$65,000 per year – working only 9:00 a.m. to 3:00 p.m., working no weekends, no nights, plus bonuses, plus vacation, plus retirement to take the job of Kitchen Manager/Chef. This salary (*not* including bonus payments, retirement, and holidays (none of which Ms. Jackson received)) would only have been about \$100 per week less than his prospective supervisor, Ms. Jackson – and for substantially less work. Ms. Jackson offered to take the job under those terms and was refused.

35.

The male General Manager of the Lady & Sons Restaurant is paid substantially more than Ms. Jackson despite his general incompetence, his performance of fewer duties than Ms. Jackson, and his oppressive sexual and racial harassment of employees. Indeed, there are male managers below the General Manager level at Lady & Sons Restaurant that are compensated more than Ms. Jackson and who received compensation in addition to salary, including bonuses, and retirement not allowed to Ms. Jackson.

36.

The male General Manager of the Paula Deen retail store, Jay Hiers, worked less and received more compensation than Ms. Jackson, yet he possessed dramatically less responsibility. Mr. Hiers received additional compensation in the form of bonuses, vacation pay, and retirement.

37.

Ms. Jackson received a bonus, as other managers did, for approximately 6 months, but bonus payments were withdrawn and taken away by Karl Schumacher immediately upon her divorce. This occurred in the context of numerous remarks by Mr. Schumacher regarding his religious views of marriage and the sin of divorce.

38.

Karl Schumacher, the individual in control of compensation for the corporate enterprise, stated in Ms. Jackson's presence, "women are stupid because they think they can work and have babies and get everything done."

39.

Upon additional complaint to Theresa Fueger about compensation and harassment, Ms. Jackson was met with the response that "you know the family dynamics in the company . . . certain people are not going anywhere, and if you don't like it, you can go find another job."

SEXUAL HARASSMENT IN THE WORKPLACE

40.

Ms. Jackson was subject to sexually harassing conduct by Bubba Hiers every single day Ms. Jackson came to work for over five (5) years. In addition to inescapable pornography he brought to the workplace, Bubba Hiers' harassing and abusive comments were often loud and without apparent concern for customers, vendors, staff or anyone else near him.

41.

Bubba Hiers is a frequent customer of pornography Web sites and would download and view such sites at work. In the small office he shared with Ms. Jackson, it was impossible for her to avoid viewing the pornography. Alternatively, he visited those Websites on the kitchen computer, often forgetting to log out whereupon other employees involuntarily shared his pornography adventure. In addition, the one email address shared by Ms. Jackson and Bubba Hiers frequently received pornographic material transmitted to Mr. Hiers by his friends or relatives that was unavoidably viewed by Ms. Jackson or her staff.

42.

On more than one occasion, Bubba Hiers requested that Ms. Jackson bring pictures of herself when she was young for him to view. He told her “you have nice legs” and that two other employees are “fat girls,” commenting that (because of their weight) they did not need to be wearing capri pants or skirts; and commenting further, “I can’t have them walking around like that.” Neither did he approve of their arms which he considered fat, so he instituted a requirement that female managers wear long sleeves.

43.

Bubba Hiers frequently visits strip clubs and would bring to the workplace numerous stories told to Ms. Jackson and other staff regarding the highlights of his visits to those clubs.

44.

Bubba Hiers commented to Ms. Jackson regarding a female employee who was married to a significantly younger man, “Can you imagine that man going to bed with her?”

45.

In Ms. Jackson’s presence, Bubba Hiers commented to another female employee after she received dentures, “I bet your husband is going to like that.”

46.

On another occasion, Bubba Hiers told a joke to the staff that described why men should have sex with women with flat heads because “you can sit your beer on top of her head while she is giving you a blow job.”

47.

Bubba Hiers commented to Ms. Jackson and others that he would like to replace the staff at Uncle Bubba’s restaurant with “Hooter’s Girls.”

48.

At a weekly managers' meeting that included Ms. Jackson, Bubba Hiers brought printouts of an email that stated "Why Gay Marriage should be legal," and showed pictures of women having sex with other women. Mr. Hiers proceeded to pass these emails around the table for everyone to see, including Mr. Schumacher who was present. No outrage was expressed and no action was taken in response to the behavior.

49.

A meeting was arranged by Karl Schumacher and Ms. Jackson, and attended by Paula Deen Family of Companies attorney James P. Gerard, for the purpose of addressing Bubba Hiers' frequent and outrageous sexual and racial comments. In this meeting in Mr. Gerard's office, Bubba Hiers discussed his interest in Web site pornography stating directly to Mr. Gerard, "don't tell me you don't do that at night?"

RACIAL DISCRIMINATION IN THE WORKPLACE

50.

Ms. Jackson, a Caucasian, white female, was subject to racially discriminatory conduct every single day she came to work.

51.

Paula Deen placed Ms. Jackson in charge of food and serving arrangements for the wedding of her brother Bubba Hiers in February 2007. When Ms. Jackson asked Ms. Deen what look the wedding should have, Ms. Deen replied, "I want a true southern plantation-style wedding." Asked by Ms. Jackson what type of uniforms she preferred servers to wear, Paula Deen stated, "Well what I would really like is a bunch of little niggers to wear long-sleeve white shirts, black shorts and black bow ties, you know in the Shirley Temple days, they used to tap

dance around.” Paula Deen laughed and said “Now that would be a true southern wedding, wouldn’t it? But we can’t do that because the media would be on me about that.” Ms. Jackson did not laugh, stating that “no, we can’t do that;” a pregnant pause followed, and the meeting ended shortly thereafter. The same attitude prevailed with restaurant operations.

52.

At Uncle Bubba’s restaurant, African-American staff persons are required to use the back entrance for all purposes, including picking up their checks. They were prohibited from using the front entrance.

53.

African-American staff persons at Uncle Bubba’s restaurant are required to use one restroom that is in the back of the restaurant and is not the customer restroom. White staff was allowed to use the customer bathroom.

54.

African-American staff persons stationed at the back of Uncle Bubba’s restaurant are not allowed to go to the front of the restaurant.

55.

Ms. Jackson hired two African-American hostesses. Their position required them to be stationed in the front of the restaurant. Bubba Hiers complained repeatedly about one hostess being out front and she was later fired for allegedly stealing a white customer’s purse. The police were called and the young woman was searched, but she was not arrested and no charges were brought. Mr. Hiers demanded that the other African-American hostess be moved to a position in the back of the restaurant where she could not be seen by customers.

Ms. Jackson and her employees were surrounded in the workplace with the most vulgar and obscene racial comments, including the following:

- a. Ms. Jackson was meeting with a vendor in her office at Uncle Bubba's restaurant when Bubba Hiers entered the office and slammed the door behind him, stating "I wish I could put all those niggers [in the kitchen] on a boat to Africa."
- b. On approximately Friday, July 20, 2010, Bubba Hiers confronted an African-American male kitchen staff person and repeatedly screamed at him, and physically and violently shook him, as set forth in detail in paragraph 60, below.
- c. In Ms. Jackson's presence, Bubba Hiers said to his African-American security guard and driver, "don't you wish you could rub all the black off you and be like me?" The security guard responded, "I'm fine the way I am," whereupon Mr. Hiers replied that "you just look dirty, I bet you wish you could."
- d. In the presence of Ms. Jackson and an Uncle Bubba's restaurant manager and a vendor, Bubba Hiers stated that "they should send President Obama to the oil spill in the Gulf [of Mexico] so he could nigger-rig it."
- e. In the presence of a vendor who traps wildlife (e.g., raccoons) and Ms. Jackson, Bubba Hiers stated, "you also got a bunch of coons in this kitchen you can trap." The kitchen was primarily staffed with African-Americans.
- f. Bubba Hiers told jokes using the word "nigger" in front of the coordinator of a fundraising event at the Bethesda Boys Home. The coordinator, not employed by Defendants, expressed to Ms. Jackson her discomfort with Mr. Hiers and his language.

57.

Mr. Schumacher, on multiple occasions, told jokes or ridiculed the President of the United States, using the word “nigger.”

58.

In addition to being the personal target of sexually harassing behavior, Ms. Jackson suffered from having to experience the same degrading and humiliating behavior directed at her staff. Ms. Jackson also suffered from having to experience the racially discriminatory humiliation of her African-American staff. During her tenure, Ms. Jackson built a family of committed staff for whom she cared deeply. She was their supervisor and was responsible for providing them a safe work environment free from sexual and racial harassment. Despite many efforts to provide such a work environment, she was unable to do so. Bubba Hiers’ conduct interfered with Ms. Jackson’s relationships with the staff she called family and upon whom she relied to accomplish the business of running a restaurant, causing her immense personal emotional and physical distress. Employees came to her to complain and for help – help which she was never able to fully provide despite seeking such help from managers and the attorney for the Paula Deen Family of Companies and from Paula Deen herself. Ms. Jackson was personally aggrieved and injured by the discriminatory harassment and abusive treatment of her employees.

VIOLENCE IN THE WORKPLACE

59.

During a meeting called by Bubba Hiers in the Uncle Bubba’s restaurant kitchen one afternoon, Bubba Hiers began beating on his chest and challenging anyone and everyone in the kitchen to fight him. He screamed so loud that spit was coming out of his mouth, as he said “Come get some. Come on, you want a piece of me? Meet me on the dock you mother fuckers.”

Ms. Jackson scanned the room in horror and saw her staff, recognizing the look of fear, disbelief, and helplessness in the eyes of individuals from the lowest working socioeconomic stratum of the community who know personally outside the workplace the feeling of intimidation, violence and berating behavior. Mr. Hiers then stumbled out the back door to his truck and he was gone. Ms. Jackson's job was then, as it was many times after this incident, to control the damage so that she could both comfort her staff, but also retain their services for the benefit of Paula Deen, Bubba Hiers and the restaurant.

60.

On July 20, 2010, Ms. Jackson's report of a sexually harassing comment by a white staff person toward an African-American kitchen staff at Uncle Bubba's restaurant brought two African-American witnesses to the small office Ms. Jackson was required to share with Bubba Hiers. Seething with anger and red in the face with concern that the African-American male kitchen staff person might speak to someone about this incident, Mr. Heirs repeatedly screamed at him asking him what he saw. The witness' answer was "can I plead the 5th Amendment." Unsatisfied with that response, Mr. Hiers physically and violently shook him and stated, "fuck your civil rights . . . you work for me and my sister Paula Deen," saying further "you're not going to get me sued over some little bitch." Mr. Hiers proceeded to physically and violently shake this individual. Ms. Jackson was in the small office with both Mr. Hiers and this witness at the time. She and others nearby and in the kitchen feared for their physical safety, not knowing how far the physical violence might be taken by Mr. Hiers.

61.

The staff of Uncle Bubba's restaurant was in a constant state of fear awaiting Bubba Hiers' arrival at the restaurant and any required interaction with him.

62.

The stress of repeatedly taking on the role of anticipating Bubba Hiers' violence, moderating it to the extent possible, and playing the go-between role with her staff caused Ms. Jackson enormous stress – stress that caused chest pains and evolved into panic attacks that would often begin when Bubba Hiers' truck pulled into the parking lot or upon appearance of the white cup – the styrofoam cup poured almost full with whiskey at approximately 10:00 a.m. whereupon Bubba Hiers began his day of drinking and abusive behavior. When the truck pulled up or the white cup appeared, staff would scatter, leaving Ms. Jackson to manage Bubba Hiers.

63.

The outrageous and unlawful conduct thrust upon Ms. Jackson's staff was extremely distressing to Ms. Jackson and others. After cleaning up Uncle Bubba's restaurant upon her arrival, she staffed it with individuals who were poor but they were honest, hard-working and committed to making the restaurant a success. Ms. Jackson was responsible for providing them a safe and lawful work environment, but despite Ms. Jackson's repeated complaints to every level of management and ownership, she was unable to provide that environment.

COMPLAINTS OF HARASSMENT AND ABUSIVE TREATMENT

64.

For over five (5) years, Ms. Jackson made numerous and frequent complaints of racial and sexual harassment and abusive treatment to the highest levels of corporate management and ownership, including: Defendants Paula Deen and Bubba Hiers; Paula Deen Enterprises Chief Operation Officer (COO) and Director of Operations Theresa Fueger; the Certified Public Accountant (CPA) for the Paula Deen Family of Companies, Karl Schumacher; and to the attorney for Defendants, James P. Gerard. The conduct was universally known and tolerated

within the ownership and management levels of the corporate enterprise, and by corporate counsel and no remedy was offered.

65.

Ms. Jackson's pleas for relief from the harassment to senior management also took the form of requests made to Ms. Fueger and Mr. Shumacher for a transfer anywhere in the company – even if it required a cut in pay – but she was told by them that Paula Deen would never let her leave Uncle Bubba's restaurant.

66.

The same request by Ms. Jackson was made directly to Paula Deen who told Ms. Jackson she could never leave Uncle Bubba's restaurant.

67.

Corporate counsel James P. Gerard would frequently call Ms. Jackson at home in the evenings and on the weekend to discuss and sympathize with the discriminatory conditions and abusive treatment she confronted.

68.

The harassment and abuse was severe in its form and pervasive in its application, and despite her numerous and frequent complaints and despite the continuing knowledge of the behavior by the highest levels of management, ownership and corporate counsel, and despite the patent illegality of the conduct, no remedy was forthcoming.

DISCHARGE FROM EMPLOYMENT

69.

In the Spring and Summer of 2010, Ms. Jackson's conditions of employment became intolerable, having complained repeatedly and for years of harassment, discrimination and

abusive treatment to the highest levels of management and ownership to no effect.

70.

In March 2010, the General Manager of Lady & Sons Restaurant General Manager Dustin Walls, who is one of the best friends of Paula Deen's son Jaime Deen, threatened to fire all the "monkeys" in the kitchen, referring specifically to the African-American kitchen staff. Employees throughout the corporate enterprise became aware of the comment. Ms. Jackson's staff at Uncle Bubba's restaurant became aware of the comment, placing upon Ms. Jackson further significant personnel management challenges. At Paula Deen's direction, Mr. Walls visited Ms. Deen at her home whereupon she "slapped him on the wrist." She did not want to do that and she regretted it, but she was concerned that otherwise the NAACP would become involved. According to Karl Schumacher, "we have to show we are doing something."

71.

The workplace culture created by Defendants is further evidenced by the initiative bringing in human resource consultants shortly after the "monkey" incident. Lady & Sons Restaurant General Manager Dustin Walls was so rude to the consultant that she stopped her interview with him. Bubba Hiers did not show up for his interview with the consultant.

72.

In February 2010, because of her complaints of harassment, discrimination and abuse, and as a tool to professionally address those complaints, Karl Schumacher placed Ms. Jackson in charge of working with corporate counsel James P. Gerard to draft a new employee handbook that would be applicable to the Paula Deen Family of Companies. Through Spring of 2010, with Mr. Gerard, Ms. Jackson performed that work and submitted the final draft to Mr. Schumacher on or about May 2010.

73.

Further discussions with Mr. Schumacher during Spring 2010 involved the prospect of hiring for the Paula Deen Family of Companies a human resource management professional that could address Ms. Jackson's complaints of harassment, discrimination and abusive treatment, and related issues.

74.

With a ray of hope on the horizon for professional management of these issues, and after numerous versions edited by Ms. Jackson, Karl Schumacher, and corporate counsel, James P. Gerard, the employee handbook languished without adoption or implementation on Mr. Schumacher's desk.

75.

On or about July, 2010, in the presence of a vendor, Karl Schumacher informed Ms. Jackson of his decision that there would be no hiring of a human resource management professional and that he (Mr. Schumacher) would be in charge of personnel management, as he had done for years. At this time, Mr. Schumacher offered Ms. Jackson a guide for his new human resource management strategies – a book by Christian evangelist author Zig Ziegler who writes, in part, of the subservient role of women. The vendor made the comment, “come on Karl, you know you can't make them read those Christian-inspired writings.” Mr. Schumacher replied that he could do whatever he wanted to do. Ms. Jackson was losing all hope that employment conditions would change for her and her staff.

76.

On July 20, 2010, Mr. Hiers physically and violently shook his African-American staff person, as described in paragraph 60, above. Ms. Jackson was in the small office with both Mr.

Hiers and this individual at the time. She and others nearby and in the kitchen feared for their physical safety, not knowing how far the physical violence might be taken by Mr. Hiers. In the end, this individual – Ms. Jackson’s staff whom she had a duty to protect from an unsafe work environment – had the look of complete submission on his face. His respect, dignity and sense of self-worth were gone.

77.

Ms. Jackson complained immediately to corporate counsel James P. Gerard. Later, Mr. Gerard informed Ms. Jackson that, according to Paula Deen’s agent, Barry Wiener, the solution was for someone to bring this individual to Paula Deen’s \$13,000,000 home to give him the feeling of being important and to “massage” him. “Massaging” is a term frequently used by Paula Deen. As stated by Ms. Deen to Ms. Jackson on other occasions when Ms. Jackson was repairing relationships torn by Bubba Hiers, “just massage them . . . even if you don’t mean it, it will make them feel good . . . you’ve got to learn to massage them and make them feel good.” Addressing Mr. Hiers’s conduct was not an option, even in this circumstance.

78.

Additional crises beyond Ms. Jackson’s control unfolded as the Summer continued, and finally, on August 10, 2010, at Uncle Bubba’s restaurant, Ms. Jackson hosted a dinner for vendors of the restaurant. Comments were made how smoothly the restaurant was operating, given that Ms. Jackson held the positions of Chef, Kitchen Manager and General Manager. (Upper management repeatedly refused to allow filling of these and other open positions as cash profits were repeatedly taken for personal use by Bubba Hiers. Her administrative staff support position also was not rehired and Ms. Jackson also performed those services.) Bubba Hiers arrived late and entered the room during dinner and walked up to Ms. Jackson in a drunken

stupor, forcibly grabbed her face and kissed her cheek, and said loudly to the group, “I love her. She is my boss and she isn’t going anywhere.” A comment was then made by a vendor “oh, I see how it is now,” suggesting his false, and humiliating, interpretation of this conduct as evidence of a sexual relationship between Ms. Jackson and Mr. Hiers. The vendors were stunned by the behavior and expressed to Ms. Jackson disbelief that she would continue her employment. Ms. Jackson was extremely embarrassed and humiliated. She was portrayed falsely as something other than the extremely competent manager of the restaurant, and something more in the nature of a person whose position and success is the result of having granted sexual favors to the restaurant owner.

79.

Later that evening, Bubba Hiers again physically pulled Ms. Jackson over to him, screaming at a loud volume in front of staff and customers, spitting in Ms. Jackson’s face and drunk, that he wanted to be served or the staff would be fired. He stated, as he had before, “Do you know who I am?”

80.

Harassment, abuse and a hostile work environment – and the unresponsiveness of Defendants – became defining conditions of the workplace.

81.

The harassment, assault, battery and other insults endured by Ms. Jackson so altered the conditions of employment that she suffered serious medical consequences which her doctor directly connected to her work. Her doctor insisted that she stay away from work and, during her last weeks of employment, requested that she allow him to admit her to the hospital. The doctor refused to treat her with medication, stating the only way for things to improve would be for her

to quit her job.

82.

Ms. Jackson's working conditions were severe, pervasive and objectively intolerable. Like anyone else subjected to similar conditions, she had no choice but to end her employment with Defendants.

83.

On August 19, 2010, Ms. Jackson ended her employment with Defendants.

84.

Ms. Jackson endured, and continues to endure, immense pain and has suffered greatly at the hands of Defendants' outrageous and intolerable conduct.

85.

After she left the employment of Defendants, Ms. Jackson could not find a job in the Savannah area. Some of those same vendors who praised her restaurant had also expressed strong interest in hiring Ms. Jackson. After she left the employment of Defendants, those same vendors now will not take her phone calls.

86.

Ms. Jackson had no choice but to leave the Savannah area to find employment.

87.

Defendants' conduct demonstrates willful misconduct, malice, fraud, wantonness, oppression, and that entire want of care which would raise the presumption of conscious indifference to the consequences.

COUNT ONE

SEXUAL HARASSMENT

88.

The allegations set forth in paragraphs hereinabove and below are incorporated by reference as though fully set forth herein.

89.

The actions and inactions of Defendant Earl W. "Bubba" Hiers, Defendant Paula Deen and employees and counsel of the corporate enterprise to harass, and to enable, condone and perpetuate harassment of Ms. Jackson were based on her gender, female.

90.

The actions and inactions of said Defendants and employees and attorney for the corporate Defendants were committed intentionally and caused Ms. Jackson significant financial loss, physical injury, severe emotional distress, humiliation, embarrassment and other damages.

91.

As a direct, legal and proximate result of the violations of Ms. Jackson's rights by Defendants, Ms. Jackson has been damaged in an amount to be proved at trial.

92.

Defendants are jointly and severally liable for this conduct in an amount to be proven at trial.

COUNT TWO

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

93.

The allegations set forth in paragraphs hereinabove and below are incorporated by

reference as though fully set forth herein.

94.

Ms. Jackson suffered financial losses and severe emotional distress as a result of the intentional, reckless and wanton conduct of Defendants Paula Deen and Bubba Hiers and employees and attorney for the corporate Defendants. The conduct described herein is so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency. Such conduct is atrocious and utterly intolerable in a civilized community and no reasonable person could be expected to endure it.

95.

The financial losses, physical and emotional distress, humiliation, embarrassment and related injuries suffered by Ms. Jackson are a direct, legal and proximate result of Defendants' extreme and outrageous conduct.

96.

Defendants are jointly and severally liable for this conduct in an amount to be proved at trial.

COUNT THREE

ASSAULT

97.

The allegations set forth in paragraphs hereinabove and below are incorporated by reference as though fully set forth herein.

98.

On numerous occasions, Defendant Earl W. "Bubba" Hiers placed Ms. Jackson in reasonable fear of bodily injury with the apparent ability to inflict such harm.

99.

Ms. Jackson's reasonable fear, emotional and physical distress, and related injuries were the direct, legal and proximate consequence of Defendant Bubba Hiers' intentional and illegal conduct of assault.

100.

Defendants are jointly and severally liable for this conduct in an amount to be proved at trial.

COUNT FOUR

BATTERY

101.

The allegations set forth in paragraphs hereinabove and below are incorporated by reference as though fully set forth herein.

102.

Defendant Earl W. "Bubba" Hiers committed a battery upon Ms. Jackson by, among other actions, forcibly and unlawfully grabbing her face and kissing her and spitting upon her.

103.

Ms. Jackson experienced physical pain, embarrassment, humiliation, emotional distress, physical injury and other damages as the direct, legal and proximate cause of Defendant Bubba Hiers' intentional and illegal conduct of battery.

104.

Defendants are jointly and severally liable for this conduct in an amount to be proved at trial.

COUNT FIVE

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

105.

The allegations set forth in paragraphs hereinabove and below are incorporated by reference as though fully set forth herein.

106.

Ms. Jackson suffered financial loss, severe emotional distress, physical injury and other damages as a result of Defendants' negligent, wanton and reckless conduct.

107.

The financial losses, physical injury, emotional distress, humiliation, embarrassment and related injuries suffered by Ms. Jackson are a direct and proximate result of Defendants' negligent and reckless conduct.

108.

Defendants are jointly and severally liable for this conduct in an amount to be proved at trial.

COUNT SIX

NEGLIGENT RETENTION

109.

The allegations set forth in paragraphs hereinabove and below are incorporated by reference as though fully set forth herein.

110.

The corporate Defendants knew of the tendency of the employees (Paula Deen, Earl “Bubba” Hiers, and others) to engage in the intentional, reckless, wanton and negligent conduct set forth hereinabove and to be further proved at trial, yet retained these individuals in the employ of the corporations.

111.

As a direct, legal and proximate result of the retention of these individuals in the employ of the corporate Defendants, Ms. Jackson suffered financial losses, physical injuries, emotional distress, humiliation, embarrassment and related injuries.

112.

The corporate Defendants are jointly and severally liable for this conduct in an amount to be proved at trial.

COUNT SEVEN

RATIFICATION

113.

The allegations set forth in paragraphs hereinabove and below are incorporated by reference as though fully set forth herein.

114.

With respect to all Counts of this Complaint, the corporate Defendants ratified the conduct of their employees due to knowledge by the corporate Defendants of their employees’ unlawful intentional, reckless, wanton and negligent conduct as set forth hereinabove or to be further proved at trial, and their subsequent actions or inaction, including the failure to take measures necessary to remedy the employee conduct.

115.

As a direct, legal and proximate result of the stated conduct and ratification, Ms. Jackson suffered financial losses, humiliation, embarrassment, physical injury, severe emotional distress, related injuries and other damages to be proved at trial.

116.

Defendants are jointly and severally liable for their conduct in an amount to be proved at trial.

COUNT EIGHT

CONTRACT

117.

The allegations set forth in paragraphs hereinabove and below are incorporated by reference as though fully set forth herein.

118.

The corporate Defendants have failed to pay Ms. Jackson all of the compensation she was due under the terms and conditions of her contract of employment, including vacation pay.

119.

Ms. Jackson relied to her detriment on said Defendants' promise and obligation to pay her the amounts due under the terms and conditions of her contract of employment.

120.

The corporate Defendants are liable to Ms. Jackson in an amount to be proved at trial.

COUNT NINE

ATTORNEY FEES AND COSTS

121.

The allegations set forth in paragraphs hereinabove and below are incorporated by reference as though fully set forth herein.

122.

Defendants have acted in bad faith, have been stubbornly litigious and have caused Ms. Jackson unnecessary trouble and expense.

123.

As a result of Defendants' conduct, Ms. Jackson is entitled to attorney's fees and costs related to this litigation pursuant to O.C.G.A. § 13-6-11 in an amount to be proved at trial.

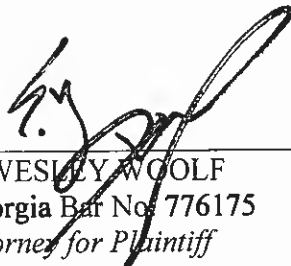
PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF prays that this Court:

- (a) Take jurisdiction of this matter and declare Ms. Jackson's rights under the laws violated by Defendants;
- (b) Permanently enjoin Defendants from further unlawful conduct;
- (c) Award Ms. Jackson compensatory damages, including without limitation, all back pay, benefits, and other forms of compensation lost as a result of Defendants' unlawful conduct;
- (d) Award Ms. Jackson front pay, as just, equitable and appropriate;
- (e) Award Ms. Jackson other nominal, general, special and consequential damages incurred as a result of Defendants' conduct;

- (f) Award Ms. Jackson prejudgment and postjudgment interest;
- (g) Award Ms. Jackson punitive damages;
- (h) Award Ms. Jackson her costs and expenses of this action, including reasonable attorney fees as authorized by law;
- (i) Grant a trial by a jury of twelve persons; and
- (j) Award such other and further legal and equitable relief as will effectuate the purposes of Georgia law, or as the Court deems just and proper.

RESPECTFULLY SUBMITTED, this 5 day of March, 2011.



S. WESLEY WOOLF
Georgia Bar No. 776175
Attorney for Plaintiff

S. WESLEY WOOLF, P.C.
408 East Bay Street
Savannah, Georgia 31401
T: (912) 201-3696
F: (912) 236-1884
woolf@woolf-lawfirm.net